

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

CARNEGIE INSTITUTION OF
WASHINGTON and M7D CORPORATION,

Plaintiffs,

v.

FENIX DIAMONDS LLC,

Defendant.

Case No. 1:20-cv-00200-JSR

Hon. Jed S. Rakoff

**DECLARATION OF NICOLE E. KOPINSKI IN SUPPORT OF
DEFENDANT’S OPPOSITION TO PLAINTIFFS’ MOTION TO DISMISS**

I, **NICOLE E. KOPINSKI**, do declare and state as follows:

1. I am an attorney at Leydig, Voit & Mayer, Ltd. licensed to practice law in the State of Illinois, the State of Minnesota, and the District of Columbia.
2. I am counsel for Defendant Fenix Diamonds LLC in the present action.
3. I make this Declaration based on my personal knowledge and in support of Defendant’s Memorandum of Law in Opposition to Plaintiffs’ Motion to Dismiss.
4. Attached as Exhibit 1 is a true and correct copy of excerpts Fenix’s First Supplemented Preliminary Invalidity Contentions Under Local Patent Rule 7, Ex. C.1.
5. Attached as Exhibit 2 is a true and correct copy of excerpts of the deposition of Dr. Robert H. Frushour taken on June 11, 2020.

I declare under penalty of perjury of the laws of the United States that the foregoing is true and correct.

Dated: July 21, 2020

/s/ Nicole E. Kopinski
Nicole E. Kopinski (*pro hac vice* pending)
LEYDIG, VOIT & MAYER, LTD.
Two Prudential Plaza, Suite 4900
180 North Stetson Avenue
Chicago, IL 60601
Telephone: (312) 616-5600
Facsimile: (312) 616-5700
nkopinski@leydig.com